

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 12/15/2003, having a shortened statutory period for response set to expire 03/15/2004, and all references cited thereon. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Objections

Claim 14 stands objected to as being a duplicate of claim 9. This objection is met by amending claim 14 so that it depends from independent claim 10, thereby distinguishing it from claim 9 which depends from claim 1.

Claim Rejections – 35 USC § 102

Applicant acknowledges the quotation of 35 U.S.C. 102 (e).

Claims 1, 2, 8, 9, 11 and 14 stand objected to under 35 U.S.C. 102(e) as being anticipated by Townsend et al. Reconsideration and withdrawal of this ground of rejection is requested in view of the amendments made herein and in view of these remarks explanatory thereof. This ground of rejection as it relates to cancelled claim 2 has been rendered moot by the cancellation of said claim 2.

Applicant acknowledges that Townsend et al. discloses at least one longitudinally extending slot formed in an anterior part of a prosthetic foot and at least one longitudinally extending slot formed in a posterior part of a prosthetic foot. Accordingly, Applicant has cancelled claims 2 and 3 and added the limitation of said cancelled claims to claim 1, currently amended. Accordingly, claim 1, currently amended, does not recite the contribution of Townsend et al. and is not anticipated or suggested by Townsend et al.

Claim Rejections - 35 USC § 103

Applicant acknowledges the quotation of 35 U.S.C. 103(a).

Claims 1 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips in view of Poggi et al.. Applicant acknowledges that Poggi et al. discloses a prosthetic foot including a sole having a plurality of slots dividing the anterior section of the sole.

Reconsideration and withdrawal of this ground of rejection is requested in view of the amendment to claim 1 made herein. As the Office has acknowledged, no combination of Phillips and Poggi et al. teaches or suggests Applicant's longitudinally extending slot as recited originally in claim 3 and as now recited in claim 1, as currently amended. Claim 7 depends from claim 1 and is therefore allowable as a matter of law.

Claim 2 stands rejected under 35 U.S.C. 103 § 103(a) as being unpatentable over Phillips, Poggi et al., and further in view of Townsend et al. Cancellation of said claim 2 has rendered moot this ground of rejection.

Allowable Subject Matter

Claims 3-6 stand objected to as being dependent upon a rejected base claim, but said claims are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim (claim 1) and any intervening claims (claim 2). Accordingly, claims 2 and 3 are cancelled and their respective limitations are added to claim 1. Dependent claims 7-9 are therefore in condition for allowance as well because each of them depends from claim 1, currently amended. Dependent claims 4-6, which originally depended from now-cancelled claim 3, are amended to depend from claim 1

Claims 10, 12, 13, and 15-18 stand allowed. The amendments made to claims 11 and 14 also place said claims into condition for allowance, i.e., claims 11 and 14, as currently amended, depend from allowed claim 10.

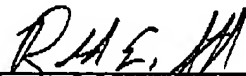
Conclusion

If a Notice of Allowance cannot be entered at this time for any reason, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful and astute examination of this important patent application.

Very respectfully,

SMITH & HOPEN

Dated: February 20, 2004

By: 

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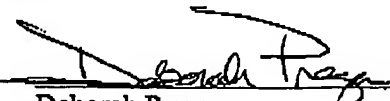
pc: Dr. Aldo A. Laghi

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3738, Attn: Mr. Alvin J. Stewart, at (703) 872-9302 on February 20, 2004.

Dated: February 20, 2004



Deborah Preza